

CHILD ADVOCACY BOARD[489]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237.18, the Child Advocacy Board (Board) hereby gives Notice of Intended Action to rescind Chapter 1, “Purpose and Function,” Iowa Administrative Code, and to adopt a new Chapter 1 with the same title.

The proposed new Chapter 1 removes obsolete language, updates references to the “Foster Care Review Board” by replacing that term with the term “Child Advocacy Board” where applicable, adds procedures and protocols for the operation of the court appointed special advocate (CASA) program and includes language pertaining to the receiving and administering of funds received by the Board.

The Board approved this proposed amendment at its December 16, 2016, meeting.

The Board does not believe that the proposed amendment poses a financial hardship on any regulated entity or individual.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 4, 2017. Such written materials should be addressed to Jim Hennessey, Child Advocacy Board, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)281-5975; or e-mailed to jim.hennessey@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 237.16.

The following amendment is proposed.

Rescind 489—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1 PURPOSE AND FUNCTION

489—1.1(237) Purpose. The child advocacy board is established by Iowa Code section 237.16 to carry out all duties described in Iowa Code section 237.18. The board is charged with the responsibility of establishing a foster care registry, establishing local review boards to review cases of children in foster care, establishing a training program for board members, establishing procedures and protocols for administering the court appointed special advocate program, receiving and administering funds received for the state board’s programs and annually reporting findings and making recommendations to the governor, general assembly, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.

1.1(1) Location. The child advocacy board is located in the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; telephone (515)281-7621. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on state holidays. The child advocacy board is created within the department of inspections and appeals.

1.1(2) Definitions. The following definitions apply to the rules of the child advocacy board.

“*Case permanency plan*” means the same as defined in Iowa Code section 232.2(4), except the plan shall also include all of the following:

1. The efforts to place the child with a relative.
2. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.
3. Time frames to meet the stated permanency goal and short-term objectives.

“Child receiving foster care” means a child defined in Iowa Code section 234.1 who is described by any of the following circumstances:

1. The child’s foster care placement is the financial responsibility of the state pursuant to Iowa Code section 234.35.
2. The child is under the guardianship of the department.
3. The child has been involuntarily hospitalized for mental illness pursuant to Iowa Code chapter 229.
4. The child is at risk of being placed outside the child’s home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the state or local board.

“Court appointed special advocate” means the same as defined in Iowa Code section 232.2.

“Department” means the department of human services.

“Family” means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

“Local board” means a local citizen foster care review board created pursuant to Iowa Code section 237.19.

“Person or court responsible for the child” means the department, including but not limited to the department of human services, agency, or individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

“State board” means the child advocacy board created pursuant to Iowa Code section 237.16.

This rule is intended to implement Iowa Code sections 17A.3 and 237.15.